

REMARKS

In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Publication No. 2004/0024891 to Agrusa et al. (now U.S. Patent No. 7,003,558). In rejecting the claims the Examiner cited paragraphs 47, 49, 50, 53, 59, 69, 70, 73, and Fig. 14. It is, however, unclear to the Applicant how the cited passages teach the claimed subject matter, as the Examiner has not described any specific application or teaching apart from listing the paragraph numbers.

The Applicant respectfully disagrees with the Examiners assertion that Agrussa et al. anticipates the claimed invention. Agrussa et al. teaches a network setup wherein a primary machine (OPC server) communicates with a programmable logic controller, which in turn is in communication with a piece of process equipment. [par. 48]. The network includes a plurality of computers and a redundant server that "has connections that duplicate those of the primary controlling machine. [par. 49]. The redundant OPC server is connected to a redundant PLC that has redundant connections to the same process equipment as the primary controlling machine. [par 48-49]. If the primary controlling machine goes offline, the secondary OPC server takes over the functions of the primary controller. [par. 50]. The identification and ordering of primary and redundant servers are predetermined by a user. [par. 59].

With reference now to claim 1 of the present invention, Agrussa et al. does not teach the step of determining whether status data indicates a first manufacturing machine is unavailable to perform a job. The manufacturing machine disclosed in the specification and referenced in the claims is a machine that physically performs manufacturing processes. Nowhere in Agrussa et al. is there reference to the potential unavailability of the *actual manufacturing machine*. Agrussa et al. instead teaches a system that compensates for unavailable *server controllers* and not the underlying manufacturing machine. In other words, the system of Agrussa et al., when a *server controller* becomes unavailable, will shift control of that process to backup server. However, the underlying process equipment remains the same. Thus, no teaching is provided in Agrussa et al. for identifying a second manufacturing machine operable to perform the job. Likewise, Agrussa et al. does not teach

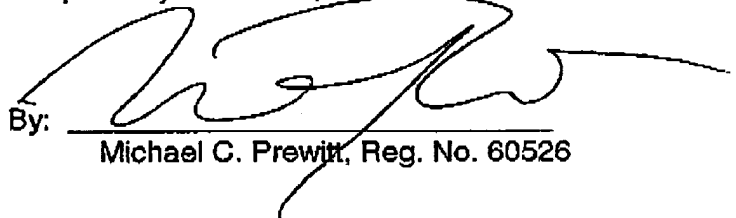
reassigning the job to the second manufacturing machine. Thus, it is believed that claim 1 and the claims depending therefrom are distinguished from the teachings of Agrussa et al.

Likewise claims 13 and 19 require a database including characteristics of a plurality of manufacturing machines. When a notification is received that a first manufacturing machine is unavailable, the database is queried to identify a second manufacturing machine capable of performing the manufacturing job. As discussed above, Agrussa et al. teaches a system wherein the redundant controllers control the same underlying process equipment, wherein the invention of claims 13 and 19 required identification and use of different, alternate manufacturing machines. Thus it is believed that claims 13 and 19, and the claims depending therefrom, are distinguished from the teachings of Agrussa et al.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

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